

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
CORNELL HOLDEN and MIGUEL MEJIA, on :
behalf of themselves and all others similarly :
situated, :
Plaintiffs, :
: :
-against- :
: :
THE PORT AUTHORITY OF NEW YORK AND : 1:17-cv-02192-JGK-RWL
NEW JERSEY; THE PORT AUTHORITY :
POLICE DEPARTMENT; and MICHAEL :
OPROMALLA, SHAUN KEHOE, JOHN TONE, :
JORDAN ESPOSITO, MICHAEL DEMARTINO, :
RICHARD AYLMER, PAUL MILLER, JOHN :
FITZPATRICK, PAUL O'DELL and OFFICERS :
JOHN DOE 1-99, sued in their individual capacities :
and official capacities as officers of the Port :
Authority Police Department, :
: :
Defendants.
----- X

**DECLARATION OF SETH E. SPITZER IN SUPPORT OF PLAINTIFFS' OPPOSITION
TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Seth E. Spitzer, declare as follows:

1. I am an attorney at the law firm of Winston & Strawn, LLP and counsel of record for Cornell Holden and Miguel Mejia in the above-captioned action. I am a member in good standing of the State Bar of New York and have been admitted to practice law before this Court. I submit this declaration in support of Plaintiffs' in Opposition to Defendants' Motion for Partial Summary Judgment. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a May 2, 2014 Port Authority Police Department internal memorandum with the subject line "Public Safety Department Weekly Report for the Week Ending 5/2/14."

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the deposition transcript of Richard Aylmer, taken September 27, 2018 in New York, New York.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the deposition transcript of Shaun Kehoe, taken June 27, 2018 in New York, New York.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the deposition transcript of Michael Opronalla, taken June 26, 2018 in New York, New York.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the deposition transcript of Vijay Seetaram, taken October 29, 2018 in New York, New York.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the deposition transcript of John Tone, taken October 5, 2018 in New York, New York.

8. Attached hereto as **Exhibit 7** is a true and correct copy of a June 22, 2015 Port Authority Police PABT Command Buckslip with the subject line “Quality of Life Initiative.”

9. Attached hereto as **Exhibit 8** is a true and correct copy of a presentation entitled “Port Authority Bus Terminal Statistical Report.”

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the deposition transcript of John Fitzpatrick, taken October 1, 2018 in New York, New York.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the deposition transcript of Paul Miller, taken October 30, 2018 in Johnson City, Tennessee.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the expert report written by Dr. Jason A. Pierceson, Ph.D., served on March 29, 2019.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the expert report written by John F. Pfaff, Ph.D., served on March 29, 2019.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the “TB&T 2014 Arrest Spreadsheet” produced by Defendants in this matter under Bates Nos. PA006431 – PA006477.

15. Attached hereto as **Exhibit 14** is a true and correct copy of a table entitled “Individuals Targeted in PABT Restrooms in 2014.”

16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from the deposition transcript of Cornell Holden, taken August 3, 2018 in New York, New York.

17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the deposition transcript of Miguel Mejia, taken August 21, 2018 in New York, New York.

18. Attached hereto as **Exhibit 17** is a true and correct copy of an arrest record generated by the Port Authority Police Department for an arrest in the Port Authority Bus Terminal, dated May 12, 2014 produced by Defendants in this matter under Bates Nos. PA000001 – PA000049.

19. Attached hereto as **Exhibit 18** is a true and correct copy of an arrest record generated by the Port Authority Police Department for an arrest in the Port Authority Bus Terminal, dated July 9, 2014 produced by Defendants in this matter under Bates Nos. PA000050 – PA000085.

20. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the deposition transcript of Raymond Bryan, taken October 24, 2018 in New York, New York.

21. Attached hereto as **Exhibit 20** is a true and correct copy of the Declaration of Cornell Holden, signed March 9, 2020.

22. Attached hereto as **Exhibit 21** is a true and correct copy of an affidavit regarding the circumstances surrounding and events resulting from the arrest of S.P., signed June 12, 2019.

23. Attached hereto as **Exhibit 22** is a true and correct copy of an affidavit regarding the circumstances surrounding and events resulting from the arrest of J.R., signed June 12, 2019.

24. Attached hereto as **Exhibit 23** is a true and correct copy of an affidavit regarding the circumstances surrounding and events resulting from the arrest of N.A., signed June 11, 2019.

25. Attached hereto as **Exhibit 24** is a true and correct copy of an affidavit regarding the circumstances surrounding and events resulting from the arrest of R.F.C., signed June 6, 2019.

26. Attached hereto as **Exhibit 25** is a true and correct copy of an affidavit regarding the circumstances surrounding and events resulting from the arrest of G.C., signed May 30, 2019.

27. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts from the deposition transcript of Michael DeMartino, taken June 29, 2018 in New York, New York.

28. Attached hereto as **Exhibit 27** is a true and correct copy of excerpts from the deposition transcript of Jordan Esposito, taken September 25, 2018 in New York, New York.

29. Attached hereto as **Exhibit 28** is a true and correct copy of excerpts from the deposition transcript of Martin Jaycard, taken February 1, 2019 in New York, New York.

30. Attached hereto as **Exhibit 29** is a true and correct copy of excerpts from the deposition transcript of Ronald Shindel, taken February 14, 2019 in New York, New York.

31. Attached hereto as **Exhibit 30** is a true and correct copy of excerpts from the deposition transcript of Scott Benoit, taken February 28, 2019 in New York, New York.

32. Attached hereto as **Exhibit 31** is a true and correct copy of excerpts from the deposition transcript of Jason Pierceson, Ph.D., taken May 13, 2019 in New York, New York.

33. Attached hereto as **Exhibit 32** is a true and correct copy of excerpts from the deposition transcript of Mark Montero, taken on February 6, 2019 in New York, New York.

34. Attached hereto as **Exhibit 33** is a true and correct copy of excerpts from the deposition transcript of Michael Coan, taken April 29, 2019 in New York, New York.

35. Attached hereto as **Exhibit 34** is a true and correct copy of a Port Authority Police Academy presentation entitled “Bias Based Policing In-Service, 2017.”

36. Attached hereto as **Exhibit 35** is a true and correct copy of an affidavit regarding the circumstances surrounding and events resulting from the arrest of Marcos Polonia, signed June 4, 2019.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 30th day of June, 2020 in New York, New York.

WINSTON & STRAWN LLP

By: /s/ Seth E. Spitzer
Seth E. Spitzer, SS6387
200 Park Avenue
New York, NY 10166
(212) 294-6700